

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

| | | |
|------------------------------|---|----------------------|
| MACSHAR ENTERPRISES, LLC, |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | C.A. No. 08-119(SLR) |
| |) | |
| UNITED STATES POSTAL SERVICE |) | |
| C/O POSTMASTER DORITA BARNS |) | |
| 3204 CONCORD PIKE |) | |
| WILMINGTON, DE 19803, |) | |
| Defendant. |) | |

PLAINTIFFS' REQUEST FOR ADMISSION OF FACTS

Pursuant to Rule 36(a) Plaintiff requests the admission by the Defendant of the statements, facts and/or all legal conclusions as set forth below. Furthermore, please admit that each of the documents designated below, copies of which are attached to this request, are genuine.

Rule 36 requires:

A DENIAL SHALL FAIRLY MEET THE SUBSTANCE OF THE REQUESTED ADMISSION, AND WHEN GOOD FAITH REQUIRES THAT A PARTY QUALIFY AN ANSWER OR DENY ONLY A PART OF THE MATTER OF WHICH AN ADMISSION IS REQUESTED, THE PARTY SHALL SPECIFY SO MUCH OF IT AS IS TRUE AND QUALIFY OR DENY THE REMAINDER. AN ANSWERING PARTY MAY NOT GIVE LACK OF INFORMATION OR KNOWLEDGE AS A REASON FOR FAILURE TO ADMIT OR DENY UNLESS THE PARTY STATES THAT THE PARTY HAS MADE REASONABLE INQUIRY AND THAT THE INFORMATION KNOWN OR READILY OBTAINABLE BY THE PARTY IS INSUFFICIENT TO ENABLE THE PARTY TO ADMIT OR DENY.

REQUESTS

1. The United States Postal Service is a holdover tenant at 3204 Concord Pike, Wilmington, Delaware 19803.
2. The lease between the parties for 3204 Concord Pike, Wilmington, Delaware 19803 expired on January 31, 2008.
3. The United States Postal Service has not paid rent for its use and occupancy of 3204 Concord Pike, Wilmington, Delaware 19803 the months of February and March 2008.
4. The United States Postal Service remains in possession of 3204 Concord Pike, Wilmington, Delaware 19803.

5. The United States Postal Service is in possession of 3204 Concord Pike, Wilmington, Delaware without a lease.

/s/ Donald L. Gouge, Jr. #2234
Donald L. Gouge, Jr. (DSB # 2234)
800 King Street, Suite 303
Wilmington, DE 19801
(302) 658-1800
Attorney for the Plaintiff

Date: March 25, 2008

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

| | | |
|------------------------------|---|----------------------|
| MACSHAR ENTERPRISES, LLC, |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | C.A. No. 08-119(SLR) |
| |) | |
| UNITED STATES POSTAL SERVICE |) | |
| C/O POSTMASTER DORITA BARNES |) | |
| 3204 CONCORD PIKE |) | |
| WILMINGTON, DE 19803, |) | |
| Defendant. |) | |

CERTIFICATE OF SERVICE

I certify that a copy of the plaintiff's request for admissions was sent via Pacer electronic filing and by hand on the following:

Lesley F. Wolf, Esquire
1007 N. Orange Street
Suite 700
Wilmington, DE 19801

/s/ Donald L. Gouge, Jr. #2234
DONALD L. GOUGE, JR. (#2234)
800 N. King Street, Suite 303
Wilmington, DE 19801
(302) 658-1800x2
Attorney for plaintiff

DATED: March 25, 2008